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The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:35 PM.

Present were John Deeb, Arnold Finaldi Jr., Edward Manuel, Joel Urice and Alternate Paul Blaszk. Also present were Associate Planner Jennifer Emminger and Deputy Planning Director Sharon Calitro.

Absent were Kenneth Keller and Alternate Fil Cerminara.

Chairman Finaldi asked Mr. Blaszkowski to take Mr. Keller's place for the items on tonight's agenda. Mr. Blaszkowski and Mr. Manuel both said they had listened to the tapes from the previous meetings so they are eligible to vote on any of the Old Business.

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Chairman Finaldi said they would table the acceptance of the minutes as they are not finished yet. He then said the following matters have been withdrawn:

Commerce Park Realty LLC/Orchard Park - Application for Special Exception to allow use ("Medical Office") generating in excess of 500 vehicle trips per day - Apple Ridge Rd. (#E17072) - SE #659.

Jay Earl Associates LLC - Application for Floodplain Permit - 62-69 Kenosia Ave. (#F18002) - SP #72-16.

He also announced that the following matters will be continued until the next meeting:

25 Germantown Rd. LLC - Application for Special Exception to allow use (Medical Office) generating in excess of 500 vehicle trips per day in the RH-3 Zone - 33 Germantown Rd. (#J11377, #J11360, #J11400, #J11379, #J11380, & #J11381) - SE 658. *Public hearing opened 6/6/07 - 35 days were up 7/11/07 - extension granted to 8/15/07.*

Mrs. Emminger said she had a written request to continue this until the next meeting.

Main Elmwood LLC - Application for Revised Site Plan for Previously Approved Special Exception in accordance with Sec. 10.D.4. of the Zoning Regulations - "Community Health Center", 70 Main St. (#I15271) - SE #523. *Public hearing opened 6/20/07 - 35 days will be up 7/25/07.*

Mrs. Emminger said she had received a two week extension on this today so it will be okay to continue it until the next meeting on August 1, 2007.

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PUBLIC HEARING:

7:30 PM - GRC Property Investment & Development, LLC - Application for five (5) lot re-subdivision (5.195 acres) "The Tarrywile Wood" in the RA-20 Zone - 20 Southern Blvd & 6 Brushy Hill Rd. (#I16238 & #I17021) - Subdivision Code #07-02. This application has not yet received EIC approval.

Chairman Finaldi read the legal notice. Attorney Gary Michael Jr. spoke in favor of this. He said this is a proposed five lot subdivision located on Brushy Hill and Southern Blvd. He gave the history of how the applicants got the property. The City approached them out of concern because of the proximity to Tarrywile Park. They had originally proposed a nine lot cluster development with a proposed property swap between the applicant and the City. This Commission gave that a positive recommendation with three conditions. Right from the start the neighbors came forward in opposition based on density and traffic. He said it was at that time his clients decided to come up with a different plan which is the one they are presenting tonight. He continued explaining that at this time; the plan is for the City to purchase lot 2 as shown on the plan. Everyone is concerned about the preservation of Tarrywile and the Plan of Conservation & Development recommends acquiring properties that are adjacent to Tarrywile Park. He said PE Ben Doto would address the comments from the Planning staff. Mr. Urice asked if they will be selling the property to the City or donating it. Attorney Michael said the City is in the process now of getting appraisals and working out the contracts for the sale.

Engineer Ben Doto then explained that the existing two houses on the 5.2 acres will remain, so that means there will be three new lots. Lot 1 is on Southern Blvd. and has a single family house on it which will remain. Lot 2 will be located on Southern Blvd., but there is no development proposed for it. Lots 3 & 4 will have access from Brushy Hill Rd. All of the lots will be served by City water and sewer. He then described the detention system which will be located in rear of parcel 3 and said only about  $\frac{3}{4}$  of acre will be disturbed by this development. He said that EIC has asked them to move a cut slope to minimize the disturbance, but this will only change the grade slightly. He said they had received the Engineering Dept. letter and will address the sewer and water issues; it also included several standard comments and some others about drainage. They are working with the Highway Dept. regarding the Engineering Dept's recommendation for sidewalks but they are not sure where to put them due to the grade. They are also working with the Traffic Authority on the driveway distance from the intersection. Mr. Urice asked what would happen if the City doesn't buy this. Mr. Doto said it is a legitimate lot and could be developed but it would be very difficult, they would have to come back to both EIC and this Commission. Mrs. Emminger said they would have to come back to this commission if they do anything on that rear parcel because it is designated open space.

Based on this plan, they exceed the open space requirement. This plan allows for the sewer to be extended to serve the Castle and the proposed accessway could be used for the sewer line.

Chairman Finaldi asked if there was anyone to speak in opposition

Mary Reynolds, 15 Library Pl., said this is not personal, she is concerned about the wildlife that will have nowhere to go. She said we keep developing all of this land and we are forcing the wildlife into more developed areas which endangers their safety. She said this could be the beginning of the end for Tarrywile.

Mark Nolan, 37 Brushy Hill Rd., noted that he had written a letter to the Environmental Impact Commission and sent a copy to this Commission. He said two of his brothers live at #16 and #8, and they also own two other parcels in the immediate area. He referred to the previous proposal saying it was based on a land swap which many people were not aware of. He said they should not be threatened that if this is not approved, they could do the nine lot plan because they cannot. He said his real concern is the impact this will have on the intersection. It will drastically affect this area including Deer Hill Ave. The proposed retaining walls could have a detrimental impact, and the intersection already doesn't have good sight lines. He said he is not against the development of this site, but thinks this is just too much. He said they should ask the applicants if they really believe this is the right thing for our community. He said the existing plantings are mature and they propose to replace them with much smaller ones. There is a tremendous amount of water flowing through this site; and the top layer of soil does not absorb a lot. He said they need to make sure the drainage calculation is adequate because this drains right down to Rogers Park and the Glen apartments which flood quite often. He added that the residents on Cannondale Dr. also get flooded. He quoted the Planning Dept. report saying that certain features of this site require special consideration. He suggested they look at the design of the retaining walls. He said it would be good to acquire more land for Tarrywile, but at what cost. He added that if blasting is necessary, they will need to consider how it could affect the existing houses. In closing, he questioned the need for sidewalks, suggesting that they add to the sidewalks on the other side of the road which get heavy foot traffic.

Jason Sills, 16 Brushy Hill Rd. said many of his concerns were already stated by Mr. Nolan. He thinks that the intersection of Brushy Hill and Southern Blvd. will be very interesting. Also, he has a very old house with a stone foundation and is worried about the impact that blasting could have on it. He said this area is good the way it is, there is no need to change it.

Lynn Waller, 83 Highland Ave., said part of her concern is the sightlines for people coming out of Brushy Hill from Tarrywile. She is also concerned about the proposed retaining walls, because ambulances and fire vehicles may not be able to get in.

Joel Brook, Cannondale Dr., asked if the Commission will actually go to see this site, where there will be two additional driveways backing out onto Brushy Hill Rd. He added that also with the ice and snow of winter, the roadway will be unsafe. He suggested that they need to visit this site to realize how this will affect it.

Ben Doto spoke briefly in rebuttal, saying he will have a formal response at the next meeting. He reiterated that they have limited the disturbance to  $\frac{3}{4}$  acre, and the only reason the previous cluster application was mentioned was because it was compared to this new plan. He

said the most of the driveways on Brushy Hill are old and do not meet City requirements. They could eliminate the retaining walls, but that would mean the houses would have to be pushed further back which would make the driveways even longer. They will work out all of the drainage issues with the City Engineering Dept. He added that although the terrain is challenging, the Fire Dept. has reviewed these plans for safety and access and they have no problem with them. He said they have requested the Fire Flow calculations from Public Utilities and are waiting for their response. Mr. Manuel asked if they could put a little turnaround in so the cars would not have to back out into traffic. Mr. Urice said they do visit the sites, but not as a group because that would be considered a meeting. He added that they do take this responsibility very seriously. Mrs. Emminger said she spoke with Fire Marshal Marilyn Gillotti who has issued a staff report saying she would like to see an 8% maximum grade and that the emergency vehicles would not pull in these driveways, they would just pull along side.

Mr. Deeb made a motion to continue the public hearing. Mr. Urice seconded the motion and it was passed unanimously.

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CONTINUATION OF PUBLIC HEARINGS :

Commerce Park Realty LLC - Application for two (2) lot re-subdivision (13.43 acres) "Orchard Park" in the IL-40 Zone - Apple Ridge Rd. (Portion of #E17072) - Subdivision Code #07-01. Public hearing opened 6/20/07 - 35 days will be up 7/25/07.

Attorney Paul Jaber said this was a two part application but they have withdrawn the special exception application because they have changed the proposed medical building into a professional office building. He said now the only issue left is that this is a privately owned roadway. When this was originally approved the Commission waived the requirement for a City road. They feel that this waiver is still valid and they do not need to ask for it again. Mrs. Emminger said she had checked with Corporation Counsel, who agreed that the waiver is still valid. The comments in the Engineering report related specifically to the site plan, so they could be addressed during the review of the site plan. Mrs. Emminger said she also had prepared a draft resolution if the Commission wants to look at it this evening.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mr. Urice made a motion to close the public hearing. Mr. Deeb seconded the motion and it was passed unanimously. Mr. Urice made a motion to move this to Old Business. Mr. Manuel seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Construction Associates - Application for Floodplain Permit - "Construction Associates", 22 Kenosia Ave. (#E17095) - SP #05-23.

Mrs. Emminger distributed the resolution saying she had revised it since sending it to the Commission earlier today. She said the revised Site plan was approved a few weeks ago, but they still had to satisfy Engineering Dept. comments. This required a hydrologic analysis which takes a bit of time. She reviewed the specifics of the resolution. Mr. Urice questioned if someone actually goes out to the site to check it. Mrs. Emminger explained that the surveyor goes out and actually measures it and then certifies that it is at a certain number. She added that a foundation permit is usually done first with the requirement for an as built before the construction goes any farther. Mr. Manuel made a motion to approve this per the resolution. Mr. Blaszkowski seconded the motion and it was passed unanimously.

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BRT Brookview LLC - Application for Modification to Floodplain Permit (Issued 1/15/03) - "Brookview Commons", 30 Crosby St. (#I13045) - SE #597

Mrs. Emminger apologized for not getting the draft resolution to the Commission members but she did not get the "as built" information from surveyor until late in the day. She explained that there have been two revisions to original site plan, so they had to come back for revision to original floodplain permit. She said that both the garage and the first floor are above the base flood elevation. She said she added a stipulation to the resolution that they must provide an elevation certificate once the building is finished. Mr. Urice made a motion to approve this per the resolution. Mr. Manuel seconded the motion and it was passed unanimously.

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Commerce Park Realty LLC - Application for two (2) lot re-subdivision (13.43 acres) "Orchard Park" in the IL-40 Zone - Apple Ridge Rd. (Portion of #E17072) - Subdivision Code #07-01. *Public hearing opened 6/20/07 – closed this evening.*

Mrs. Emminger distributed a draft resolution. Mr. Deeb made a motion to approve this per the resolution. Mr. Manuel seconded the motion. The motion was passed unanimously. Mr. Urice said he completely agreed with Attorney Jaber about the waiver.

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NEW BUSINESS:

CPCI, LLC - Application for Special Exceptions (1) to allow a Gasoline Station in the CG-20 Zone & (2) to allow a use (Grocery Store) generating in excess of 500 vehicle trips per day - 27-29 & 31 Tamarack Rd. a.k.a. Ave. (#I10042 & #I10043) - SE #662. *Public hearing scheduled for September 5, 2007.*

Chairman Finaldi noted that this application would be on file in the Planning & Zoning Office.

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REFERRALS:

The site is zoned R-3 and the application proposes a four family dwelling, but the density limitations of this zone prohibit this number of units. The lot is located within the Existing Sewer Service area in the POCD.

4) 8-24 Referral/July '07 CC Agenda Item #17 - Request for Sewer Extension - 29 Clapboard Ridge Rd.

This request is for a proposed 3-bedroom single family dwelling located on a lot in the RA-40 zone. It is located within the Existing Sewer Service area in the POCD.

5) 8-24 Referral/July '07 CC Agenda Item #18 - Request for Sewer Extension - Johnson Dr. & Pembroke Terr.

Most of this area is zoned RA-40 and the POCD indicates that this area is within the Existing Sewer Service area.

6) 8-24 Referral/July '07 CC Agenda Items #19 & #20 - Request for Sewer & Water Extensions - 6 & 10 Sheridan St.

These lots are located on Sheridan St. and is zoned RMF-4. There currently is a site plan application under review proposing 23 residential units on this site. These lots are located within the Existing Sewer Service and Water Service areas as shown in the POCD.

7) 8-24 Referral/July '07 CC Agenda Item #21 - Request for Sewer & Water Extensions  
- Fairfield Ave. & Morton St.

This request is for two lots; one off Morton St (zoned RA-8) and the other off of Fairfield Ave. (zoned RMF-4). This request proposes a 14 units but no application has been filed yet. These lots are within the Existing Sewer Service and Water Service areas as shown in the POCD.

8) 8-24 Referral/July '07 CC Agenda Item #22 - Request for Sewer & Water Extensions  
- Reynolds Rd.

This request is for three lots zoned RA-40. These lots are within the Proposed Sewer & Water Service areas as shown in the POCD. The City is preparing engineering plans for the Cornell Hills Assoc. Water and Sewer District and the benefit assessment process is well underway. According to the Engineering Department, required easements for utility installations are being mapped and Common Council authorization is anticipated within the next few months.

Mr. Urice made a motion to give a positive recommendation for all eight requests with the standard conditions. Mr. Manuel seconded the motion and it was passed unanimously

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8-24 Referral/July '07 CC Agenda Item #28 - Acquisition of Easements for Danbury Airport - Miry Brook Rd & Ye Olde Rd.

The Common Council wants easements over nine properties located on Miry Brook Rd. and Ye Olde Rd. to enhance the convenience and safety in relationship to the Airport. Mr. Urice asked if this was just for the easements not for the property. Mrs. Calitro showed them a map and all of the lots are around Wooster School and the Airport runways. DOT has stated that these easements should be acquired. The POCD advocates the purchase of land or acquisition of easements over properties along Miry Brook Road to improve safety conditions at the Airport. Mr. Cerminara made a motion to give this a positive recommendation for the following reasons: this request is consistent with the policies of the Plan of Conservation and Development and the Commissioner of the State of CT DOT has rendered an opinion that such easements should be acquired in accordance with relevant state statutes for such purposes. Mr. Urice seconded the motion and it was passed unanimously.

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OTHER MATTERS:

8-24 Referral/June '07 CC Agenda Item #25 - Request for Outdoor Patio at 1 Ives St.

Mrs. Calitro explained that there had been some question about the meeting notice for the special meeting they held on July to act on this. She said they had given it a positive recommendation but then found that the Town Clerk's office said they had not received the notice so the meeting was invalid. It was then decided to put it on tonight's agenda so it would be properly noticed. Chairman Finaldi said he does not think they should spend any more time on this since it is moot point as the Common Council has already approved this. Mr. Blaszkowski and Mr. Manuel abstained from this matter as they were not present at the special meeting. Mr. Urice made a motion to send a letter to the Council saying that the Planning Commission restated the same opinion as was rendered at the special meeting. Mr. Cerminara seconded the motion and it was passed unanimously.

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There was nothing under Correspondence and under For Reference Only, there were listed three requests for Floodplain Permits and the public hearings scheduled for August 1, 2007 and August 15, 2007.

At 9:20 PM, Mr. Urice made a motion to adjourn. Mr. Deeb seconded the motion and it was passed unanimously.